

MAR 19 2007

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To: Examiner Tuan Van Nguyen
Art Unit: 3731

From: Thomas Spinelli, Esq.
Registration No.: 39,533

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Pages: 7

Phone: 571-272-4963

Date: March 19, 2007

Re: USSN: 10/670,029
Our Docket: 17053

CC:

RESPONSE TO RESTRICTION REQUIREMENT

The following is being filed with the U.S. Patent and Trademark Office via facsimile on March 19, 2007:

1. Response to Restriction Requirement W/Transmittal in Duplicate
2. Certificate of Transmission Under 37 CFR 1.8

Applicant: Takayuki Suzuki
Serial No.: 10/670,029
For: MEDICAL INSTRUMENT
Filed: September 24, 2003
Docket: 17053
Dated: March 19, 2007
TS:cm

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TRANSMITTAL LETTER (General - Patent Pending)				Docket No. 17053	
In Re Application Of: Takayuki Suzuki					
Application No. 10/670,029	Filing Date September 24, 2003	Examiner Tuan Van Nguyen	Customer No. 23389	Group Art Unit 3731	Confirmation No. 4550
Title: MEDICAL INSTRUMENT					
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Thomas Spinelli Registration No.: 39,533			Dated: March 19, 2007		
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Thomas Spinelli Registration No.: 39,533			Dated: March 19, 2007										
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Takayuki Suzuki	Examiner:	Tuan Van Nguyen
Serial No:	10/670,029	Art Unit:	3731
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For:	MEDICAL INSTRUMENT	Dated:	March 19, 2007
Conf. No.:	4550		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO SPECIES ELECTION

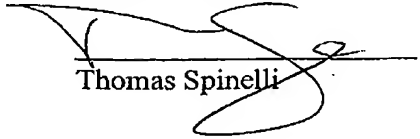
Sir:

Pursuant to the election requirement imposed in the Official Action dated January 17, 2007, Applicant elects the claims of Species I, i.e., claims 6 and 7 for continued prosecution herein along with generic claims 1 and 10.

CERTIFICATION OF FACSIMILE TRANSMISSION

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Dated: March 19, 2007



Thomas Spinelli

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Claims 1-15 are present in the above-captioned application and have been subjected to a species election under 35 U.S.C. § 121. Specifically, the Official Action avers that the following patentably distinct species of the claimed invention are present in the claims:

Species I, characterized by Figures 3A-4D; and

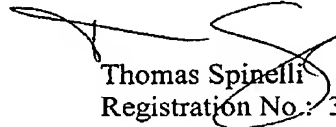
Species II, characterized by Figures 15A-16D.

It is the Examiner's position that the species listed as Species I-II are patentably distinct from each other.

In response to the Examiner's requirement for species election, Applicant elects to prosecute the subject matter of Species I, claims 6 and 7 along with generic claims 1 and 10. However, Applicant reserves the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,



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